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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and all its subsequent resolutions on this subject, including its resolutions 66/164 of 19 December 2011, 68/181 of 18 December 2013, 70/161 of 17 December 2015 and 72/247 of 24 December 2017, and recalling also all United Nations resolutions related to the freedoms of peaceful assembly and association and all resolutions of the Human Rights Council on human rights defenders, civil society space, safety of journalists, equal political participation, promotion and protection of

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

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human rights in the context of peaceful protests and the rights to freedom of peaceful assembly and association,

Noting that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights, the twenty-fifth anniversary of the Vienna Declaration and Programme of Action[3] and the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and acknowledging the importance of these instruments for the promotion and the protection of all human rights,

Bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association,

Recognizing that the effective exercise of the rights to freedom of peaceful assembly and of association is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, as it provides individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives and elect leaders to represent their interests and hold them accountable,

Recalling the rights to freedom of peaceful assembly, of expression and of association, which encompass organizing, participating, observing, monitoring and recording assemblies, and expressing concern at the criminalization, in all parts of the world, of individuals and groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests,

Recognizing that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the rights to peaceful assembly and freedoms of association and expression,

Stressing, therefore, that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Encouraging all States to avoid using force wherever possible during peaceful protests and to ensure that, where force is absolutely necessary, no one is subjected to excessive or indiscriminate use of force,

Gravely concerned by the grave and growing threats, risks and dangers faced by all individuals, online and offline, for exercising their rights to peaceful assembly and freedoms of expression and association, particularly members of civil society, including but not limited to human rights defenders, including women human rights defenders, indigenous human rights defenders and those addressing environmental issues, and those defending persons belonging to minorities, including religious minorities, as well as those defending youth, persons with disabilities and older persons, labour leaders, individuals who may face multiple and intersecting forms of discrimination, including on the basis of gender, and journalists and media workers

[3] A/CONF.157/24 (Part I), chap. III.

who report on their work, as well as by the prevalence of impunity for violations and abuses against them in many countries, where they face threats, harassment and attacks and suffer insecurity, including through undue restrictions on, inter alia, the rights to freedom of opinion, expression, association and peaceful assembly, and through the abuse of criminal or civil proceedings, or acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

Stressing the responsibility of Member States and encouraging stakeholders in all sectors of society and in their respective communities, including Governments and their representatives, with respect to all individuals exercising their rights to peaceful assembly and freedoms of expression and association, online and offline, in cases of threat, harassment, violence, discrimination, racism and other violations and abuses committed against them, including killings, to categorically and clearly reject such practices and offences,

Reiterating that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to the obligations of States under international human rights law,

Deploring violations and abuses of the rights to peaceful assembly and freedom of association by State and non-State actors, including arbitrary detentions of peaceful protestors and individuals on the basis of their political opinion and affiliation, as well as individuals identified as political opponents,

1. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations;

2. *Urges* States to take concrete steps to prevent and put an end to the arbitrary arrest and detention of peaceful protestors and human rights defenders for exercising their human rights and fundamental freedoms of expression, peaceful assembly and association, including in relation to cooperation with the United Nations and other international mechanisms in the area of human rights, and in this regard strongly urges the release of such persons detained or imprisoned in violation of the obligations of States under international human rights law;

3. *Expresses deep concern* about extrajudicial, summary or arbitrary executions and the torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world, and to this end:

(a) Strongly condemns the use of harassment, intimidation and extrajudicial, summary or arbitrary executions and killings by State and non-State actors to violently suppress and silence individuals, including young people and students, for participating in peaceful protests, including protests to call for democratic reforms;

(b) Urges States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

(c) Calls upon all States to pay particular attention to the safety of journalists and media workers observing, monitoring and recording peaceful protests, taking into account their specific role, exposure and vulnerability;

(d) Urges States to end their harassment and intimidation of and attacks against individuals participating in peaceful protests against racism and racial discrimination;

4. *Calls upon* all States to ensure that the same rights that individuals have offline, including the rights to freedom of expression, peaceful assembly and association, are also fully protected online, in accordance with human rights law, particularly by refraining from Internet shutdowns and content restrictions on the Internet that violate international human rights law, by ending attacks by States and taking steps to end attacks by non-State actors against journalists and other media workers covering demonstrations and protests and by ending government shutdowns of media outlets for attempting to report on such protests, and condemns unequivocally and calls for an end to all attacks and violence by State and non-State actors against journalists and media workers, including through attacks on, or the forced closure of, their offices and media outlets, in both conflict and non-conflict situations, in particular for journalists and media outlets covering or attempting to cover demonstrations and protests;

5. *Condemns* the use by State and non-State actors of slander, threats and attacks against members of civil society, including against religious leaders, including when they are attempting to use their good offices to mediate between the State and individuals trying to exercise their right to peacefully assemble;

6. *Encourages* States to support the implementation of policies and initiatives that promote tolerance, cultural integration and inclusion and respect for diversity, to end the persecution and repression of civil society and social movements and to recognize the important and legitimate role that they play in shaping governance and the rule of law, inclusiveness and development across all regions;

7. *Underlines* the necessity of addressing the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct and prevent injuries and loss of life among protestors, those observing, monitoring and recording such assemblies, bystanders and officials exercising law enforcement duties, and urges States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law and in conformity with their international human rights obligations and commitments, and to provide all victims with access to remedy and redress, including in the context of peaceful protests;

8. *Urges* States to acknowledge, through public statements, policies, programmes and laws, the important and legitimate role of individuals, groups and organs of society in the promotion of all human rights and fundamental freedoms, including the rights to freedom of peaceful assembly and association.